

REMARKS

Claims 1, 15-18 and 27 are pending in this application. Claims 2-4 and 28-36 were previously canceled. Claims 1 and 15 are being amended in this Reply.

The final Office Action rejects:

(1) claims 1, 15-18 and 27 under 35 U.S.C. §112, 1<sup>st</sup> paragraph;

(2) claims 1, 15-18 and 27 under 35 U.S.C. §112, 2<sup>nd</sup> paragraph;

and

(3) claims 1 and 27 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,754,233 to Takashima (hereafter Takashima) in view of U.S. Patent No. 6,400,890 to Nagasaka et al. (hereafter Nagasaka).

Since the Examiner is only applying art rejections for claims 1 and 27, it appears that claims 15-18 would be in condition for allowance but for the rejections under §112.

**Rejection under §112**

As for the rejections under 112, 1<sup>st</sup> and 2<sup>nd</sup> paragraphs, the Examiner alleges that the specification does not provide adequate support for the following limitations:

"...the frame feature value is not originally contained within said image data."

In addition, the Examiner indicates that it is not understood how the frame feature value could represent a quantity of a feature contained in a frame of image data and not be originally within said image data. (see page 3 of Final Office Action). By the above amendment, this language has been changed to "the frame feature data is not an original form in said image data" in an attempt to more clearly define the invention.

It is submitted that the frame feature value is calculated based on information relating to transporting, storing or coding the image data. As such, the frame feature value is not simply pulled from or extracted from the image data, but instead calculations must be done based on related information, as noted above, to arrive at the frame feature value. Thus, the frame feature value is not an original form in the original image data (i.e., not a component of the image data), but is instead generated based on related data, such as coding information.

As such, we believe the Examiner is misinterpreting the concept of extracting given information from a source from the concept of generating information based on other related

information. We believe the claimed invention is performing the latter.

As such, we believe a personal interview would be quite helpful in explaining to the Examining the differences between the two concepts noted above.

Rejection under 103(a)

As for the art rejections, we believe the claimed invention is distinguishable from the cited art for at least the following reasons:

Takashima fails to teach or suggest the claimed frame feature value being calculated by analyzing statistics of motion vector information related to the image data. In paragraph 5 of the final office Action the Examiner alleges that Takashima discloses a frame feature value generating unit for calculating statistics of motion vector information related to the image data. However, Takashima discloses that what is being used for detecting scene change is actually the statistics (the sum of absolute values) *associated with residuals of image signals* obtained in detecting the motion vectors, not the statistics of the motion vector itself.

In other words, in Takashima the information used for detecting scene change is residuals of image signals obtained from

detecting the motion vector, and the absolute values for the residuals are what is being used for detecting the scene change.

Although Takashima uses residuals of image signals, it appears that the Examiner is inappropriately interpreting the *statistics associated with residuals of image signals* as taught by Takashima as reading on the claimed analyzing statistics of motion vector information.

Although we disagree with the Examiner's interpretation noted above, we believe further amendments to claim 1 would be very helpful expediting prosecution and further distinguishing the present invention over Takashima.

For example, as illustrated in the attached Appendix, claim 1 is amended to read:

...wherein said frame feature value is calculated by ~~analyzing~~ using statistics of directly associated with motion vector information related to the image data,...

With the above-noted amendment, we believe the use of statistics directly associated with motion vector information is more clearly defined. This is distinguishable from the use of residual statistics as taught by Takashima.

Nagasaka not only fails to make up for the deficiencies found in Takashima noted above but also fails to teach or suggest storing the frame feature value in correlating form with the frame of the image data. As noted in previous arguments, Nagasaka appears to disclose a storage means but not how the frame feature values are stored.

The Examiner alleges that Nagasaka teaches storing frame feature values in correlating form with the frame of the image data, however, the Examiner has failed to specifically show where this is taught in Nagasaka. Elements 126 of Nagasaka's Fig. 2 merely disclose that the progress state of the comparison is stored in the storage 126 in the form of a candidates list 400. Element 128 of Nagasaka is also merely disclosed as being a storage. However, Nagasaka fails to teach storing a frame feature value as claimed in correlating form with the frame of the image data.

For at least the above-noted reasons, we believe the claimed invention is distinguishable from the cited arts.

#### **REQUEST FOR INTERVIEW PRIOR TO FIRST OFFICE ACTION**

An interview after final rejection had been scheduled for June 15, 2004, in connection with the subject application; however the examiner was called away from the office for an extended period

before the interview could be conducted. It is therefore respectfully requested that the examiner grant an interview before issuing a first Office Action in this continuation application so that the matters which were to be discussed during the original interview can be addressed.

**Conclusion**

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a one (1) month extension of time for filing a reply in connection with the present application, and the required fee of \$110.00 is attached hereto.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Appl. No. 09/451,097  
Attorney Docket No. 0033-0630P  
Reply to Office Action dated February 17, 2004

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment(s)